

MEMO ENDORSED



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November 28, 2023

By ECF

Hon. Jessica G. L. Clarke
United States District Judge
Southern District of New York
500 Pearl St.
New York, NY 10007-1312

Re: Mohamed John Akhtar et al. v. Eric Adams, et al., 23-cv-06585 (JGLC)
Your Honor:

This office represents defendants Eric Adams, Mayor of the City of New York,¹ Rohit T. Aggarwala, Commissioner of the New York City Department of Environmental Protection (“DEP”), and DEP (collectively “City Defendants”) in the above-referenced matter. We write in accordance with Rule 2(e) of Your Honor’s Individual Practices to seek an extension of time for the City Defendants to answer or otherwise respond to the Complaint.

This action was commenced with the filing of a Complaint on July 28, 2023 (ECF Doc. 1). According to the Certificates of Service on the docket, the Complaint was not served on either DEP or the DEP Commissioner until November 6, 2023 (ECF Docs. 13 and 14), and on defendant Mayor Eric Adams until November 8, 2023 (ECF Doc. 21). This office was not notified of the service of the Complaint on DEP until November 27, 2023. We have not yet been notified of service of the Complaint on defendant Mayor Eric Adams and are unaware if service upon him was proper.

DEP’s response to the Complaint was due on November 27, 2023. Defendant Mayor Eric Adams’ response to the Complaint is due on November 29, 2023. As a result, City Defendants require additional time to investigate the claims and respond to the Complaint. We therefore request that the time to respond to the Complaint be extended to January 26, 2024.

¹ We currently are investigating service and other issues to determine representation of defendants Eric Adams, Mayor of the City of New York, and Rohit T. Aggarwala. In the interim, we are submitting this letter on their behalf.

Plaintiffs delayed more than 90 days in serving the Complaint on the City Defendants. Thus, Plaintiffs will not be prejudiced by a 60-day extension.

There have been no prior requests for such an extension. This office has contacted Plaintiffs' counsel and, although he has indicated that he is amenable to an extension of time, he will not consent to the extension of time we require. There are no future appearances scheduled before the Court.

Thank you for Your Honor's consideration of this request.

Respectfully submitted,

/s/

Kerri A. Devine

Genan F. Zilkha

Assistant Corporation Counsels

Pronouns: she/her

CC: All parties via ECF.

The deadline for defendants Eric Adams, Rohit T. Aggarwala, and the New York City Department of Environmental Protection to answer, move or otherwise respond to the complaint is hereby EXTENDED to **January 26, 2024**.

SO ORDERED.



JESSICA G. L. CLARKE
United States District Judge

Dated: December 1, 2023
New York, New York